

1 Jason A. James (SBN 265129)
E-mail: jjames@bwslaw.com
2 BURKE, WILLIAMS & SORESENSEN, LLP
18300 Von Karman Avenue, Suite 650
3 Irvine, California 92612-1032
Tel: 949.863.3363 Fax: 949.863.3350
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5 Attorneys for Defendant
THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MAY JOY BIAGINI,

Plaintiff,

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

Case No. 4:24-cv-03364-HSG

**STIPULATION REGARDING THE
STANDARD OF REVIEW; ORDER**

Judge: Haywood S. Gilliam, Jr.
Courtroom: 2, 4th Floor

Complaint Filed: June 4, 2024

Plaintiff MAY JOY S. BIAGINI (“Plaintiff”) and defendant THE PRUDENTIAL INSURANCE COMPANY OF AMERICA (“Prudential”), by and through their respective counsel, hereby submit this Stipulation Regarding the Standard of Review pursuant to the Court’s Order dated September 18, 2024 [Dkt. No. 19].

WHEREAS, the parties agree that this case is governed by the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001, *et seq.*;

WHEREAS, one of the issues to be decided in an ERISA benefits case is whether the standard of review is abuse of discretion or *de novo*;

WHEREAS, the parties agree that the standard of review to be utilized on cross-motions for judgment in this ERISA case will be *de novo*;

WHEREAS, the parties’ agreement as to the standard of review relates solely to this particular case and does not give rise to any waiver or prejudice in any other cases brought against

1 Prudential.

2 IT IS HEREBY STIPULATED, by and between the parties hereto, by and through their
3 counsel of record, as follows:

4 1. The parties agree that this Court shall apply a *de novo* standard of review in this case.
5 This Stipulation regarding the standard of review is specifically limited to the facts and
6 circumstances of this particular case;

7 2. The parties further agree that there will be no discovery in this case.

8 **IT IS SO STIPULATED.**

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10 Dated: October 9, 2024

BOLT KEENLEY KIM LLP

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12 By: /s/ Brian H. Kim

13 Brian H. Kim
14 Attorneys for Plaintiff
MAY JOY S. BIAGINI

15
16 Dated: October 9, 2024

BURKE, WILLIAMS & SORENSEN, LLP

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18 By: /s/ Jason A. James

19 Jason A. James
20 Attorneys for Defendant
THE PRUDENTIAL INSURANCE
21 COMPANY OF AMERICA

22 **FILER ATTESTATION**


23 The filing attorney attests that he has obtained concurrence regarding the filing of this
24 document and its content from the signatories to this document.

ORDER GRANTING STIPULATION

Based upon the parties' Stipulation Regarding the Standard of Review, the Court hereby orders that the *de novo* standard of review shall be applied in this ERISA matter. This Order regarding the standard of review is specifically limited to the facts and circumstances of this particular case. It is further ordered that there shall be no discovery in this case.

IT IS SO ORDERED.

Dated: 10/11/2024


Hon. Haywood S. Gilliam, Jr.
United States District Court Judge